

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SAMUEL E. GRIFFITH,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	CIVIL ACTION NO.
	)	
CINEPOLIS USA, INC., and BRINKER	)	3:20-CV-3455-G-BN
INTERNATIONAL, INC.,	)	
	)	
Defendants.	)	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Objections were filed. The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding no error, the court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

The court **GRANTS** the motion to dismiss the amended complaint under Federal Rule of Civil Procedure 12(b)(6) (docket entry 30) filed by the defendant USA Cinema Services LLC, incorrectly named as Cinepolis USA, Inc., expressly

determines under Federal Rule of Civil Procedure 54(b) that, as to this defendant, there is no reason to delay entry of judgment, and will separately enter judgment **DISMISSING** the plaintiff Samuel E. Griffith's claims against this defendant **WITH PREJUDICE**.

The court **GRANTS** the motion to compel arbitration under the Federal Arbitration Act (docket entry 45) filed by the defendant Brinker International Payroll Company, L.P. ("Brinker"), incorrectly named as Brinker International, Inc., insofar as, to Brinker only, the court **RETAINS** the case, **REFERS** it to arbitration, and **ADMINISTRATIVELY CLOSES** it pending the outcome of arbitration. The right to reopen shall continue until 30 days after the decision of the arbitrator is issued.

**SO ORDERED.**

January 31, 2023.

  
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A. JOE FISH  
Senior United States District Judge